

ORDINANCE NO. 92-31

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 PALM BEACH COUNTY COMPREHENSIVE PLAN ADOPTED BY ORDINANCE NO. 89-17, AND AMENDED BY ORDINANCE NOS. 90-32, 90-54, 91-30, 91-31, 91-33, 91-48, 91-49 AND 92-6, AMENDING THE LAND USE ATLAS OF THE PLAN; AMENDING THE TEXT OF THE FOLLOWING ELEMENTS OF THE PLAN: INTRODUCTION/ADMINISTRATION, LAND USE, TRAFFIC CIRCULATION, INTERGOVERNMENTAL COORDINATION, COASTAL MANAGEMENT, AND ALL OTHER ELEMENTS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES OF PALM BEACH COUNTY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Palm Beach County adopted the 1989 Comprehensive Plan on August 31, 1989 in Ordinance No. 89-17; and

WHEREAS, Palm Beach County has amended the 1989 Comprehensive Plan in Ordinance Nos. 90-32, 90-54, 91-30, 91-31, 91-33, 91-48, 91-49 and 92-6; and

WHEREAS, the Board of County Commissioners established the time period for accepting applications for site specific amendments to the 1989 Comprehensive Plan during calendar year 1991 from September 3, 1991 to October 15, 1991; and

WHEREAS, private citizens filed applications for site specific amendments to the Land Use Atlas during the above-mentioned time frame; and

WHEREAS, the Palm Beach County staff has initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County and to correct typographical errors in Ordinance No. 91-31; and

WHEREAS, the Land Use Advisory Board has held public meetings on the proposed amendments and made recommendations to the Local Planning Agency and the Board of County Commissioners regarding the proposed amendments; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on the proposed amendments on April 6, April 24, April 27 and May 4, 1992 to review the proposed amendments to the

1 Palm Beach County Comprehensive Plan and made recommendations
2 regarding the proposed amendments to the Palm Beach County Board of
3 County Commissioners pursuant to Chapter 163, Florida Statutes; and

4 WHEREAS, the Palm Beach County Board of County Commissioners,
5 as the governing body of Palm Beach County, conducted a public
6 hearing pursuant to Chapter 163, Florida Statutes, on May 4, 1992
7 to review the recommendations of the Local Planning Agency,
8 whereupon the Board of County Commissioners authorized transmittal
9 of proposed changes to the Department of Community Affairs for
10 review and comment pursuant to Chapter 163, Florida Statutes; and

11 WHEREAS, Palm Beach County received Department of Community
12 Affairs "Objections, Recommendations, and Comments Report" dated
13 August 25, 1992, which was the Department's written review of the
14 proposed Comprehensive Plan amendments; and

15 WHEREAS, on October 15, 1992 and October 26, 1992, the Palm
16 Beach County Board of County Commissioners held a public hearing to
17 review the written comments submitted by the Department of
18 Community Affairs and to consider adoption of the amendments; and

19 WHEREAS, the Board of County Commissioners of Palm Beach
20 County has determined that the amendments as modified meet the
21 "Objections, Recommendations and Comments Report" raised by the
22 Department of Community Affairs and comply with all requirements of
23 the Local Government Comprehensive Planning and Land Development
24 Regulations Act.

25 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
26 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

27 Part 1. Site Specific Amendments to the Land Use Atlas

28 A. The amendment to the Land Use Atlas Page 57 was deleted
29 at the October 26, 1992 public hearing.

30 B. Land Use Atlas Page 57 is amended as follows:

31 Application No.: 57 RES 2

32 Amendment: From INDUSTRIAL (IND) to HIGH RESIDENTIAL

1 (HR8)

2 General Location: One-quarter mile east of Military
3 Trail about two-tenths (0.2) of a mile south of Westgate
4 Avenue

5 Size: 5.20 acres

6 The legal description of the property and a map depicting
7 this change are attached to this Ordinance as Exhibit 1-B

8 C. Land Use Atlas Page 71 is amended as follows:

9 Application No.: 71 RES 1 S.I.

10 Amendment: From MEDIUM RESIDENTIAL (MR5) to HIGH
11 RESIDENTIAL (HR8)

12 General Location: West side of Haverhill Road, north of
13 Purdy Lane and adjacent to Interhaven Drive

14 Size: 3.28 acres

15 A map depicting this change is attached to this Ordinance
16 as Exhibit 1-C

17 D. Land Use Atlas Page 90 is amended as follows:

18 Application No.: 90 RES 1 S.I.

19 Amendment: From INSTITUTIONAL (INST) to MEDIUM
20 RESIDENTIAL (MR5)

21 General Location: West side of El Clair Ranch Road
22 approximately 0.7 of a mile south of Boynton Beach Blvd.
23 (S.R. 804)

24 Size: 2.35 acres

25 A map depicting this change is attached to this Ordinance
26 as Exhibit 1-D

27 E. Land Use Atlas Page 102 is amended as follows:

28 Application No.: 102 RES 1

29 Amendment: From LOW RESIDENTIAL (LR3) to MEDIUM
30 RESIDENTIAL (MR5)

31 General Location: South side of West Atlantic Avenue
32 approximately one-half mile west of Carter Road

1 Size: 165.55 acres

2 This amendment is being made based on the voluntary
3 commitment of the property owner to record a restrictive covenant
4 limiting use of the subject property to a planned unit development
5 with traffic and intensity that will not exceed one thousand three
6 hundred (1,300) trips over and above the trips associated with the
7 Low Residential 3 (LR3) land use designation.

8 The legal description of the property and a map depicting
9 this change are attached to this Ordinance as Exhibit 1-E

10 F. Land Use Atlas Page 13 is amended as follows:

11 Application No.: 13 CR 1

12 Amendment: From RURAL RESIDENTIAL (RR10) to COMMERCIAL
13 RECREATION (CR)/RURAL RESIDENTIAL (RR10)

14 General Location: West side of Jupiter Farms Road about
15 on-half (0.5) mile south of Randolph Siding Road

16 Size: 15 acres

17 Designation of the property subject to the commercial
18 recreation category amendment is for the limited purpose of
19 allowing zoning for a film production facility. If the property
20 ceases to be utilized for film production purposes, the County will
21 initiate an amendment to redesignate the property Rural Residential
22 (RR-10).

23 The legal description of the property and a map depicting
24 this change are attached to this Ordinance as Exhibit 1-F

25 G. Land Use Atlas Page 89 is amended as follows:

26 Application No.: 89 INST 1

27 Amendment: From MEDIUM RESIDENTIAL (MR5) to
28 INSTITUTIONAL (INST)

29 General Location: West side of Hagen Ranch Road
30 approximately 1,000 feet south of Boynton Beach Boulevard

31 Size: 35 acres

32 The legal description of the property and a map depicting

1 this change are attached to this Ordinance as Exhibit 1-G

2 H. Land Use Atlas Page 26 is amended as follows:

3 Application No.: 26 COM 1

4 Amendment: From HIGH RESIDENTIAL (HR8) to
5 COMMERCIAL HIGH (CH/8)

6 General Location: West side of U.S. 1 about one-half
7 (0.5) mile north of PGA Boulevard

8 Size: 0.459 acres

9 This amendment is being made based on voluntary
10 commitment by the property owner to record a restrictive covenant
11 limiting use of the subject property for parking, drainage and
12 landscaping, prior to the adoption of the amendment.

13 The legal description of the property and a map depicting
14 this change are attached to this Ordinance as Exhibit 1-H

15 I. Land Use Atlas Page 58 is amended as follows:

16 Application No.: 58 COM 1

17 Amendment: From HIGH RESIDENTIAL (HR8) to COMMERCIAL
18 HIGH (CH/8)

19 General Location: West side of Congress Avenue
20 approximately 720 feet south of Westgate Avenue

21 Size: 1.90 acres

22 The legal description of the property and a map depicting
23 this change are attached to this Ordinance as Exhibit 1-I

24 J. Land Use Atlas Page 103 is amended as follows:

25 Application No.: 103 COM 1

26 Amendment: From HIGH RESIDENTIAL (HR8) to
27 COMMERCIAL LOW (CL/8)

28 General Location: East side of Jog/Carter Road about
29 1,400 feet south of Atlantic Avenue

30 Size: 9.24 acres

31 The Board of County Commissioners is approving this
32 amendment based on the inducement of a voluntary commitment to

1 place a restrictive covenant on the property limiting development
2 of the property to a mixed use development.

3 The legal description of the property and a map depicting
4 this change are attached to this Ordinance as Exhibit 1-J

5 **Part 2.**

6 Part A of Ordinance No. 91-31 is amended as follows in order
7 to correct typographical errors in the adoption ordinance and
8 reflect action taken by the Board of County Commissioners on August
9 22, 1992:

10 19. Land Use Atlas Page 90 is amended as follows:

11 Application No.: 90-COM 1

12 Amendment: From RESIDENTIAL (MR5) to ~~COMMERCIAL (CH/5)~~
13 RESIDENTIAL (HR8)

14 General Location: North side of Boynton Beach Blvd.
15 approximately .5 miles West of Military Trail

16 Size: 8.3

17 23. Land Use Atlas Page 113 is amended as follows:

18 Application No.: 113-COM 8

19 Amendment: From RESIDENTIAL (LR3) to ~~COMMERCIAL (CL/3)~~
20 COMMERCIAL LOW OFFICE (CL-013)

21 General Location: SW corner of Palmetto Park Rd.
22 and SR 7

23 Size: 2.58

24 **Part 3. Text Amendments to the Comprehensive Plan**

25 Amendments to the following elements of the Palm Beach County
26 1989 Comprehensive Plan are hereby adopted:

- 27 1. Introduction/Administration
- 28 2. Land Use
- 29 3. Intergovernmental Coordination
- 30 4. Coastal Management

1 5. Traffic Circulation

2 6. All other elements

3 The amendments to the above elements are attached to this
4 Ordinance as Exhibits 2, 7 and 8.

5 Part 4.

6 Amendments to the following maps of the Palm Beach County
7 Comprehensive Plan are hereby adopted:

8 1. Thoroughfare Right-of-Way Identification Map

9 2. 2010 Interim Transportation System Map

10 3. Comprehensive Plan Map Packet

11 a. Generalized Wellfield Protection Zone Map

12 b. Major Wetlands Map

13 c. Conservation Areas Map

14 d. Selected Wildlife Habitat Map

15 The amendments to the above maps are attached to this
16 Ordinance as Exhibit 3.

17 EXHIBITS 4, 5, 6 and 9 are support documents and are not adopted as
18 part of this Ordinance.

19 Part 5. Repeal of Laws in Conflict

20 All local laws and ordinances applying to the unincorporated
21 area of Palm Beach County in conflict with any provision of this
22 ordinance are hereby repealed.

23 Part 6. Severability

24 If any section, paragraph, sentence, clause, phrase, or word
25 of this Ordinance is for any reason held by the Court to be
26 unconstitutional, inoperative or void, such holding shall not
27 affect the remainder of this Ordinance.

1 Part 7. Inclusion in the Code of Laws and Ordinances

2 The provision of this Ordinance shall become and be made a
3 part of the code of laws and ordinances of Palm Beach County,
4 Florida. The Sections of the Ordinance may be renumbered or
5 relettered to accomplish such, and the word "ordinance" may be
6 changed to "section," "article," or any other appropriate word.

7 Part 8. Effective Date

8 The provisions of this Ordinance shall become effective upon
9 receipt of acknowledgement by the Secretary of State.

10 APPROVED AND ADOPTED by the Board of County Commissioners of
11 Palm Beach County, on the 26th day of October, 1992.

12 PALM BEACH COUNTY, FLORIDA,
13 BY ITS BOARD OF COUNTY COMMISSIONERS

14 By [Signature]
15 Chairman

16 APPROVED AS TO FORM AND
17 LEGAL SUFFICIENCY

18 [Signature]
19 COUNTY ATTORNEY

20 Acknowledgement by the Department of State of the State of
21 Florida, on this, the 5th day of November,
22 19 92.

23 EFFECTIVE DATE: Acknowledgement from the Department of State
24 received on the 9th day of November, 19 92, at
25 3:42 P.M. and filed in the Office of the Clerk of
26 the Board of County Commissioners of Palm Beach County, Florida.

27 (H:\AP\WPDATA\COMPLAN.ORD)

STATE OF FLORIDA COUNTY OF PALM BEACH
The ex-officio Clerk of the Board of County Commissioners
certify this to be a true and correct copy of the original filed in
my office on 10-26-92
DATED at West Palm Beach, FL on 11/12/92
Clerk, BCC
By: [Signature] D.C.

[Signature]
Deputy Clerk

Backup is on file
in the Minutes Department.